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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,085	12/02/2003	Masatoshi Adachi	117908	5714
25944	7590	04/06/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			AVERY, BRIDGET D	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/725,085	Applicant(s) ADACHI ET AL.	
	Examiner Bridget Avery	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date (3) filed.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The Information Disclosure Statements filed by applicant on December 23, 2004, July 8, 2004 and December 2, 2003 are acknowledged and have been considered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 1, applicant's recitation of "a secondary battery" is non-sequential because a primary battery has not been recited.
4. In claim 5, applicant's recitation of "a preset second lubricating oil temperature" is non-sequential because a first preset lubricating oil temperature has not been recited.
5. In claim 7, applicant's recitation of "a second motor temperature" is non-sequential because a first motor temperature has not been recited.
6. In claim 9, applicant's recitation of "a preset fourth motor temperature" is non-sequential because a first, second, and third motor temperature has not been recited.
7. Similar problems exist in claims 8, 13-15 and 22.

#### ***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 11, 12 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi (US Patent 5,823,282).

Yamaguchi teaches a power output apparatus including an engine (11); a drive shaft motor being capable of inputting power to and from the drive shaft; a three shaft type power input output mechanism connecting the output shaft (10) of the engine (11), the drive shaft, and a rotating shaft, where settings of power input and output to and from any two shafts among the three shafts automatically specify a setting of power input and output to and from a residual shaft amount the three shafts; a rotating shaft motor capable of inputting and outputting power to and from the rotating shaft; a battery (19) capable of transmitting electric power to and from the drive shaft motor and the rotating shaft motor; an oil pump (55) linked to the output shaft (10) of the engine (11) via a damper and is driven by power of the output shaft of the engine to feed a supply of oil to a portion of mechanical part of the power output apparatus; a controller (41, 42, 43, 44) that controls actuation of the rotating shaft motor to drive the oil pump with the power output to the output shaft of the engine via the three-shaft type power input output mechanism; the rotating shaft motor; the drive shaft motor, and the oil pump (55) are arranged in series; the controller (41, 42, 43, 44) is capable of adopting an ON condition of a starter switch for starting the power output apparatus, as the

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predetermined condition of the control. The controller (41, 42, 43, 44) is capable of adopting a condition that an elapsed time since a stop of operation of the power output apparatus reaches at least a preset time period, as the predetermined condition of the control. The controller (41, 42, 43, 44) adopts a condition that the drive shaft motor is outputting power to the drive shaft, as the predetermined condition of the control. The controller controls actuation of the rotating shaft motor to rotate the output shaft of the engine at a predetermined revolving speed. The predetermined revolving speed is approximate to an idling engine speed. See column 10, lines 31-64.

### ***Allowable Subject Matter***

9. Claims 4-10 and 13-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagano et al. shows a hybrid drive system.

Masberg et al. shows a drive system for a motor vehicle.

Schmidt shows an electro-mechanical powertrain.

Koide et al. shows a hybrid vehicle drive system.

Yamaguchi shows a hybrid vehicle.

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Mitchell shows an auxiliary motor drive system.

Buglione et al. shows a hybrid motor vehicle.

Nakae et al. shows an apparatus for controlling a hybrid vehicle.

Yamaguchi et al. shows a hybrid vehicle.

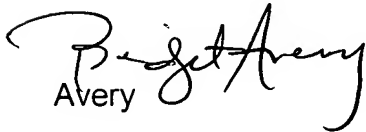
Schmidt shows a hybrid power transmission with power take-off apparatus.

Sherman shows an integrated hybrid transmission with inertia assisted launch.


Dorgan shows an electric drive system for track-laying vehicles.

Rowlett shows a flywheel drive system.

11. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.

  
Avery

April 4, 2005

  
RUTH ILAN  
PRIMARY EXAMINER  
4/4/05